S.B. CIVIL WRIT PETITION NO.3860/2007
Smt. Kamarjia & Ors.
Vs.
The State of Raj. & Ors.

DATE OF ORDER : 24.5.2007

HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

. . .

Shri S.K. Gupta for the petitioners.

Heard learned counsel for the petitioner.

This writ petition has been filed with the grievance that the respondents are not conducting fair investigation into FIR No.154/2007, P.S. Kotwali, District Sawai Madhopur lodged against the petitioner for offence under Sections 498-A and 304-B IPC, and it has, therefore been prayed that the matter should be handed over to CID(CB) or any other independent agency for investigation. It is submitted that the

petitioners are members of one family and they have been implicated falsely in the aforesaid case, which was a simple case of suicide where wife of petitioner no.3 committed suicide when he was not present in the Sawai Madhopur town and was in Delhi. It is further submitted that accused petitioner no.2 who was married to Parvez Anwar in the year 1984 was also living with her husband at her nuptial residence. Petitioner no.1 is the mother of petitioner no.3, and therefore, mother-in-law of deceased Ugma. She was also living separately. The police, however, has refused to consider the evidence being produced by the petitioner to that effect. It is stated that a simple case of suicide has been converted into offence punishable under Section

304B IPC. All that the petitioners want is that, the matter should be fairly investigated so that due regard may be given to their side of story and the explanation offered by them.

Having heard counsel for the petitioners and perused the material on record, I find that the grievance raised by the petitioners are such which cannot be directly entertained by this Court but can be looked into by the Director General of Police. The petitioners may, therefore, raise all the grounds which they want to raise in support of their case by making a suitable representation to the Director General of Police who shall look into the matter. It is made clear that if such representation is made, the same may be decided within one

week.

It goes without saying that, if the Director General of Police considers it necessary, he can also entrust the investigation to any branch of police department or officer.

With these directions and observation, the writ petition is disposed of.

(MOHAMMAD RAFIQ),J.

Skant/-